

REMARKS

The Office Action dated March 11, 2005, has been carefully reviewed and the foregoing amendment has been made in response thereto. Claims 22 and 23 have been added. Claims 1-23 are pending in the application. Claims 1-3, 5-10, and 12-21 stand rejected and claims 4 and 11 were indicated as allowable if rewritten in independent form.

The rejection of claims 1-3, 5-10, and 12-21 under 35 USC 102(e) as being anticipated by Munguia et al is respectfully traversed.

MPEP §706.02 states that an invention is anticipated by a prior art reference under 35 USC §102 only if the prior art reference teaches every aspect of the claimed invention. Furthermore, in *Paperless Accounting, Inc. v. Bay Area Rapid Transit Sys.*, 804 F.2d 659, 665 (Fed. Cir 1986), the Federal Circuit held that a §102 reference must sufficiently describe the claimed invention to have placed the public in possession of it. As explained below, Munguia clearly fails to teach every aspect of the present claims.

Claims 1-21 relate to performing an inventory of assets of a network based on an agent running on the asset and sending inventory data to a collection server which parses the inventory data. Claims 1-21 have been amended to more clearly recite that respective instances of the agent execute on each asset of a plurality of assets of the network. The claimed invention reduces processing load consumed on the monitored assets and enables greater efficiency when making administrative changes.


Munguia fails to show either explicitly or implicitly all the recited claim elements. The rejection does not indicate where in Munguia there is any teaching of an agent running in separate instances on a plurality of assets for performing an inventory of each respective asset and sending a respective set of inventory data to a collection server. There is, in fact, no such teaching in Munguia. The publication teaches a network tool for managing outbound telecommunications network assets. The rejection relies on a dispatch server 26 to allegedly show the collection server of

the present claims. Munguia teaches that dispatch server 26 may maintain a "cookie jar" to map keys to associated sessions established in the network (see paragraph 0053). There is no teaching in Munguia of any agents running on any network asset that collects inventory data and no teaching of storing or parsing inventory data using a collection server. The session keys stored on dispatch server 26 fail to teach inventory data. Since Munguia fails to teach inventory data, it likewise fails to teach parsing of such data. Therefore, claims 1-21 are allowable over Munguia.

New claims 22 and 23 represent the rewriting of original claims 4 and 11 in independent form. Therefore, these claims are likewise allowable.

In view of the foregoing amendment and remarks, claims 1-23 are now in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,



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